

AMENDED IN SENATE MAY 12, 2003
AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 533

Introduced by Senator Romero

February 20, 2003

An act to add Sections 2288 and 12841.2 to the Food and Agricultural Code, and to amend Section 54985 of the Government Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 533, as amended, Romero. Pesticides: ~~mill assessment: restricted use pesticide.~~

Existing law generally regulates the use of pesticides.

This bill would state findings of the Legislature relative to the use of pesticides.

~~Existing law prescribes the powers and duties of county agricultural commissioners.~~

~~This bill would in addition, authorize county agricultural commissioners to impose and collect a fee in an unspecified amount on pesticide applicators and expend those funds for the regulation of restricted use pesticides, as specified.~~

~~Existing law requires every registrant of a pesticide product to pay the Director of Pesticide Regulation an assessment of 17.5 mills per dollar of sales for all sales by that person of registered pesticide for use in this state, as specified.~~

~~This bill would authorize an additional mill assessment, in an unspecified amount, on the sale of all restricted use pesticides for use in this state. The bill would provide that the director may collect the~~

~~assessment in an amount necessary to fund the department's costs of regulating restricted use pesticides.~~

~~Existing law, subject to exceptions, provides that notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors is authorized to increase or decrease a fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. Existing law excepts from the application of those provisions, a fee that is charged or collected by a county agricultural commissioner.~~

~~This bill would delete the exemption regarding fees charged or collected by a county agricultural commissioner.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 2288 is added to the Food and~~
- 2 *SECTION 1. The Legislature finds and declares the*
- 3 *following:*
- 4 *(a) The Department of Pesticide Regulation's mission is to*
- 5 *register pesticides for use in California, to review human health*
- 6 *and environmental impacts, and to ensure that workers, the public,*
- 7 *and the environment are not harmed by the use of pesticides.*
- 8 *(b) One of the primary missions of the County Agricultural*
- 9 *Commissioner is to enforce the law and regulations relating to the*
- 10 *use of pesticides.*
- 11 *(c) The current mill assessment is 17.5 mills per dollar of sales*
- 12 *and that rate is set to expire on June 30, 2004.*
- 13 *(d) The Legislature must act prior to that date in order to ensure*
- 14 *that the Department of Pesticide Regulation and county*
- 15 *agricultural commissioners can continue to carry out their*
- 16 *mission.*
- 17 *(e) The Legislature recognizes that there are still inadequate*
- 18 *funds available for some enforcement and regulatory actions.*
- 19 *(f) It is important to ensure that the environment is protected*
- 20 *from harmful pesticides by ensuring the proper stewardship of*

1 *those pesticides, ensuring that agricultural and pest control*
2 *workers are entitled to safe working conditions where pesticides*
3 *are present, and that consumers and users of pesticides are given*
4 *information on the safe use of pesticides.*

5 ~~Agricultural Code, to read:~~

6 ~~2288. The commissioner shall have the authority to impose~~
7 ~~and collect a fee in the amount of _____ dollars (\$____) upon~~
8 ~~persons seeking a restricted materials permit for restricted use~~
9 ~~pesticides and expend those funds for the purpose of local~~
10 ~~regulation and enforcing other regulations pertaining to restricted~~
11 ~~use pesticides.~~

12 ~~SEC. 2. Section 12841.2 is added to the Food and Agricultural~~
13 ~~Code, to read:~~

14 ~~12841.2. (a) The director may collect an assessment, in~~
15 ~~addition to the mill assessment collected pursuant to Section~~
16 ~~12841, for all sales of restricted use pesticides for use in this state.~~
17 ~~The director may collect the assessment in an amount necessary to~~
18 ~~fund the department's costs of regulating restricted use pesticides.~~

19 ~~SEC. 3. Section 54985 of the Government Code is amended~~
20 ~~to read:~~

21 ~~54985. (a) Notwithstanding any other provision of law that~~
22 ~~prescribes an amount or otherwise limits the amount of a fee or~~
23 ~~charge that may be levied by a county, a county service area, or a~~
24 ~~county waterworks district governed by a county board of~~
25 ~~supervisors, a county board of supervisors shall have the authority~~
26 ~~to increase or decrease the fee or charge, that is otherwise~~
27 ~~authorized to be levied by another provision of law, in the amount~~
28 ~~reasonably necessary to recover the cost of providing any product~~
29 ~~or service or the cost of enforcing any regulation for which the fee~~
30 ~~or charge is levied. The fee or charge may reflect the average cost~~
31 ~~of providing any product or service or enforcing any regulation.~~
32 ~~Indirect costs that may be reflected in the cost of providing any~~
33 ~~product or service or the cost of enforcing any regulation shall be~~
34 ~~limited to those items that are included in the federal Office of~~
35 ~~Management and Budget Circular A-87 on January 1, 1984.~~

36 ~~(b) If any person disputes whether a fee or charge levied~~
37 ~~pursuant to subdivision (a) is reasonable, the board of supervisors~~
38 ~~may request the county auditor to conduct a study and to determine~~
39 ~~whether the fee or charge is reasonable.~~

1 ~~Nothing in this subdivision shall be construed to mean that the~~
2 ~~county shall not continue to be subject to fee review procedures~~
3 ~~required by Article XIII B of the California Constitution.~~

4 ~~(e) This chapter shall not apply to any of the following:~~

5 ~~(1) Any fee charged or collected by a court clerk pursuant to~~
6 ~~Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830,~~
7 ~~72054, 72055, 72056, 72059, 72060, or 72061 of the Government~~
8 ~~Code or Section 103470 of the Health and Safety Code, and any~~
9 ~~other fee or charge that may be assessed, charged, collected, or~~
10 ~~levied pursuant to law for filing judicial documents or for other~~
11 ~~judicial functions.~~

12 ~~(2) Any fees charged or collected pursuant to Chapter 2~~
13 ~~(commencing with Section 6100) of Division 7 of Title 1.~~

14 ~~(3) Any standby or availability assessment or charge.~~

15 ~~(4) Any fee charged or collected pursuant to Article 2.1~~
16 ~~(commencing with Section 12240) of Chapter 2 of Division 5 of~~
17 ~~the Business and Professions Code.~~

18 ~~(5) Any fee charged or collected by a county recorder or local~~
19 ~~registrar for filing, recording, or indexing any document,~~
20 ~~performing any service, issuing any certificate, or providing a~~
21 ~~copy of any document pursuant to Section 2103 of the Code of~~
22 ~~Civil Procedure, Section 27361, 27361.1, 27361.2, 27361.3,~~
23 ~~27361.4, 27361.8, 27364, 27365, or 27366 of the Government~~
24 ~~Code, Section 103625 of the Health and Safety Code, or Section~~
25 ~~9525 of the Commercial Code.~~

26 ~~(6) Any fee charged or collected pursuant to Article 7~~
27 ~~(commencing with Section 26720) of Chapter 2 of Part 3 of~~
28 ~~Division 2 of Title 3 of the Government Code.~~